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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 PAUMA BAND OF LUISENO MISSION
12 INDIANS OF THE PAUMA AND YUIMA
RESERVATION,

13 PlaintiffS,

14 vs.

15 STATE OF CALIFORNIA, et al.,

16 Defendants.
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CASE NO. 09cv1955-LAB (AJB)

ORDER DENYING *EX PARTE*
APPLICATION TO SUPPLEMENT
RECORD ON APPEAL

18 Plaintiff filed an *ex parte* application asking the Court to supplement the record with
19 a copy of the Court's recent decision of March 29, 2010 granting summary judgment in *San*
20 *Pasqual Band of Mission Indians v. State of California* et al., case number 06cv988, which
21 the Court referred to extensively at oral argument and relied on in reaching its decision. That
22 decision construed the same compact that is at issue on appeal.

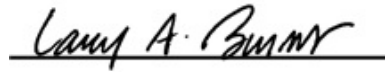
23 As Defendants point out in their opposition, Plaintiff may cite to and quote the
24 decision in its brief on appeal. The decision is also judicially noticeable on appeal, as is
25 Judge Damrell's decision construing the same compact, *Cachil Dehe Band of Wintun Indians*
26 *of Colusa Indian Community v. California*, 629 F. Supp. 2d 1091 (E.D.Cal., 2009), which the
27 Court relied on its *San Pasqual* decision. See *United States ex rel. Robinson Rancheria*
28 *Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (proceedings in other

1 courts in the federal judicial system that "have a direct relation to matters at issue" are
2 judicially noticeable on appeal).

3 The application is therefore **DENIED AS MOOT**.

4 **IT IS SO ORDERED.**

5 DATED: July 14, 2010

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7 **HONORABLE LARRY ALAN BURNS**
8 United States District Judge
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